

Seattle Police Manual

5.002 – Public and Internal Complaint Process

Effective Date: DRAFT

5.002-POL

This policy applies to the reporting and investigation of allegations of misconduct from both citizens and employees of the Department.

1. The Department Will Accept Complaints From Any Source and by Any Means

The Department will accept complaints from any source including witnesses or third parties, outside agencies, and anonymous sources.

Complaints may be made in person, in writing or by phone to any Department employee or the Office of Professional Accountability.

2. Employees Will Assist Any Person Who Wishes to File a Complaint

Employees will assist the complainant by:

- Immediately putting the complainant in contact with a supervisor or other individual who can assist them with filing their complaint,
- Providing specific information to the complainant on where and how to file the complaint, or
- Taking the complaint.

3. Employees Shall Not Interfere With, Hinder, Or Obstruct Any Person From Making a Complaint

4. Retaliation is Prohibited

No employee shall retaliate against any person who initiates or provides information or testimony pursuant to any complaint of SPD employee misconduct, regardless of the context in which the complaint is made, because of such person's participation in the complaint process.

Prohibited retaliation includes discouragement, intimidation, coercion, or adverse action against any person who reports misconduct, makes a misconduct complaint, or conducts or cooperates with an investigation of misconduct.¹

5. Employees Must Act in Instances of Misconduct

Employees who witness or become aware of misconduct or a complaint of misconduct, shall take action to prevent aggravation of the incident or the loss of evidence that could prove or disprove misconduct.

6. Supervisors Will Address Certain Allegations of Misconduct

Supervisory employees shall address on-duty minor misconduct and policy violations, within the scope of their authority, when they become aware of:

- Employee tardiness
- Uniform, equipment and personal appearance violations
- Poor work product

7. Employees Must Report Serious Misconduct

¹ Per Settlement Agreement, Master Tracking List 194, Para. 166, Page 46, Line 20

Serious Misconduct is defined as criminal behavior, bias-based policing, and unreasonable force.

The report must go to a supervisor or directly to OPA.²

See 5.002-TSK-1 Supervisor Reporting Allegation of Misconduct.

8. A Supervisor May Relieve a Subordinate Employee of Duty

If immediate relief from duty is necessary to protect the Department, the employee, or the public, a supervisor may relieve a subordinate employee from duty for up to 24 hours (excluding weekends and holidays).

Supervisors shall notify a higher-ranking employee in cases where immediate investigative action by the OPA may be necessary. If warranted, the higher ranking employee shall notify OPA immediately.

9. Employees Must Avoid Conflict of Interest Regarding Complaints

If a supervisor is the subject of a complaint, the employee receiving the complaint shall refer the complaint to different supervisor.

If the subject of the complaint is assigned to OPA, the employee receiving the report shall forward the complaint to the Chief of Police who will appoint an investigator from another section within the Department.

² Per Settlement Agreement, Master Tracking List 192, Para. 165, Page 46, Line 17

10. Employees Shall Report Certain Events

Employees shall report to their supervisor as soon as practical (and before the start of their next work shift) any of the following circumstances occurring in any jurisdiction:

- They are the subject of a criminal investigation, criminal traffic citation, arrest, or conviction.
- They are the respondent of an order of protection, restraining order, no contact order, anti-harassment order.
- Their Washington driver's license is expired, suspended, or revoked, or if they obtain an ignition interlock driver license.

Employees shall submit requests for an Employer Declaration for Ignition Interlock Device directly to the Assistant Chief of the Field Support Bureau.

11. OPA Shall Classify All New Complaints Received

The categories for classification include the following:

- Complaints involving less serious issues that would not likely result in discipline will be classified for **Supervisor Action** and referred to the named employee's supervisor for OPA directed follow up, such as problem-solving or employee coaching.
- All allegations that are more complex, involve more serious misconduct, or involve an employee with similar prior complaints will be classified as **Investigation**.

12. Employees Shall Cooperate with Department Internal Investigations

Employees shall truthfully answer questions and render complete, material and relevant statements. The statements will include all facts and circumstances surrounding the subject matter of the investigation, which may be known by the employee.

Intentional omissions of material fact shall be classified as failure to cooperate in an internal investigation.

13. Employee Statements Will Include Preface

Whenever an employee submits a verbal or written statement as required by this manual section, they will preface the statement with the following sentence:

“This is a true and involuntary statement given by me in accordance with Section 5.002 of the Seattle Police Department Manual.”

14. The Department May Compel Employees to Complete Certain Tasks

The OPA Captain may approve to compel employees to:

- Undergo a medical or laboratory examination
- Submit financial disclosure statements
- Be photographed

The OPA captain must base the approval on a showing of good cause.

In the course of an administrative internal investigation, employees shall not be compelled to participate in a line-up or take a polygraph or other lie detection test.

If an administrative internal investigation becomes a criminal investigation, these tests or conditions may be used as in any other criminal investigation.

5.002-TSK-1 Supervisor Reporting Allegation of Serious Misconduct to OPA

When a supervisor is referring an allegation of serious misconduct to OPA, **the supervisor:**

1. Documents the complaint on Department Memorandum.

2. Includes all of the following, if known:

- Nature of the alleged incident.
- Date of the alleged incident.
- Place where the alleged incident occurred.
- Name of employee involved or their badge number and other description.
- Name, address, and telephone number of the complainant, aggrieved party, and all known witnesses.
- A detailed summary of the complaint.

3. Assembles any supporting documentation.

4. Forwards the memorandum and related documents to the OPA.

- If the conduct requires immediate investigation by OPA, the supervisor will forward the information before going off duty.

5. Forwards a copy of the memorandum and related documents to the accused employee's captain or civilian equivalent.